

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

U.S. SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

CROWD MACHINE, INC., METAVINE, INC,
and CRAIG DEREL SPROULE,

Defendants,

and

METAVINE PTY. LTD.,

Relief Defendant,

Case No.: 4:22-cv-00076-HSG

Hon. Haywood S. Gilliam, Jr,

**ORDER GRANTING
DEFENDANTS' ADMINISTRATIVE
MOTION TO FILE DOCUMENTS
UNDER SEAL**

ORDER

The Court, having considered Defendant's Administrative Motion to File Documents Under Seal, and the Declaration of Anne Osborne in support thereof, HEREBY ORDERS THAT:

1. The Court finds there are compelling reasons sufficient to overcome the presumption in favor of granting public access to the documents below. "Courts have found that 'confidential business information' in the form of ... 'financial terms ... and business strategies' satisfies the 'compelling reasons' standard." *Baird v. BlackRock Inst. Trust. Co., N.A.*, 403 F.Supp.3d 765, 792 (N.D. Cal. 2019) (Gilliam, J.) (quoting *In re Qualcomm Litig.*, 2017 WL 5176922, at *2 (S.D. Cal. Nov. 8, 2017)) (emphasis added). Courts find compelling reasons to seal records where filings may "become a vehicle for improper purposes, such as the use of records to . . . release trade secrets." *In re Elec. Arts, Inc.*, 298 F. App'x 568, 569 (9th Cir. 2008) (internal quotation and citation omitted).

2. Further, courts in the Ninth Circuit routinely find compelling reasons to seal personally-identifying information, finding that risks associated with disclosing such information may outweigh the public's interest to access. *See, e.g., Cancino Castellar v. Mayorkas*, 2021 WL 3678440, at*3-4 (S.D. Cal. Aug. 19, 2021) (collecting cases).

3. Finally, "Courts generally accept attorney-client privilege and the work-product doctrine as a 'compelling reason' justifying a motion to seal." *WatchGuard Techs., Inc. v. iValue Infosolutions Pvt. Ltd.*, 2017 WL 3581624, at *2 (W.D. Wash. Aug. 18, 2017) (collecting cases).

4. Accordingly, Plaintiff's Administrative Motion is GRANTED, and the Clerk of the Court is directed to accept the under-seal filing of the following materials:

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| Docket No. Public / (Sealed) | Document | Portion(s) to Seal | Evidence Offered in Support of Sealing | Ruling |
|------------------------------------|--|----------------------------|---|---------|
| 52-1 (50-1) | Declaration of Anne Osborne in support of Defendants' opposition to Plaintiff's motion for monetary relief | with redactions | Osborne Decl. ¶¶ 4-6, 8(j) confidential financial and commercially-sensitive information; personally-identifying information | Granted |
| 52-3 (50-2) | Exhibit A: Expert report of Christian Tregillis | with redactions | Osborne Decl. ¶¶ 4-6, 8(a) confidential financial and commercially-sensitive information | Granted |
| 52-4 (50-3) | Exhibit B: Documents relied upon in expert report of Christian Tregillis | entire document under seal | Osborne Decl. ¶¶ 4-6, 8(b) confidential financial and commercially-sensitive information; proprietary product information | Granted |
| 52-5 (51) | Exhibit C: Supplemental expert report of Christian Tregillis | with redactions | Osborne Decl. ¶¶ 4-6, 8(c) confidential financial and commercially-sensitive | Granted |
| 52-6 (51-1) | Exhibit D: Metavine Genesis release notes | entire document under seal | Osborne Decl. ¶¶ 4-6, 8(d) confidential financial and commercially-sensitive information; proprietary product information | Granted |
| 52-7 (51-2) | Exhibit E: Defendants' written responses to SEC | with redactions | Osborne Decl. ¶¶ 4-7, 8(e) confidential financial and commercially-sensitive information; personally-identifying information | Granted |

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|-----------------|---|----------------------------------|--|---------|
| 52-8 (51-3) | Exhibit F: Document produced to SEC | with redactions | Osborne Decl. ¶¶ 4-7, 8(f) confidential financial and commercially- sensitive information; personally-identifying information; proprietary product information | Granted |
| 52-9 (51-4) | Exhibit G: Letter from public accounting and consulting firm re ISRS 4400 | entire document under seal | Osborne Decl. ¶¶ 4-6, 8(g) confidential financial and commercially- sensitive information | Granted |
| 52-12 (51-5) | Exhibit J: Production cover letters produced to SEC | with redactions | Osborne Decl. ¶¶ 4-7, 8(h) confidential financial and commercially- sensitive information; personally-identifying information | Granted |
| 52-13 (51-6) | Exhibit K: Defendants' current financial information | entire document under seal | Osborne Decl. ¶¶ 4-7, 8(i) confidential financial and commercially- sensitive information | Granted |

1 **IT IS SO ORDERED.**

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3 Date: 1/4/2024

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